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Custody B.V.*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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SECURITIES INVESTOR PROTECTION	:	
CORPORATION,	:	
Plaintiff,	:	SIPA Liquidation
v.	:	No. 08-01789 (SMB)
	:	(Substantively Consolidated)
BERNARD L. MADOFF INVESTMENT	:	
SECURITIES LLC,	:	
Defendant.	:	
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In re	:	
BERNARD L. MADOFF,	:	
Debtor.	:	
-----	X	
IRVING H. PICARD, Trustee for the	:	
Liquidation of Bernard L. Madoff Investment	:	
Securities LLC,	:	Adv. Pro. No. 12-01046 (SMB)
Plaintiff,	:	
v.	:	<b>SNS BANK N.V.'S AND SNS GLOBAL</b>
	:	<b>CUSTODY B.V.'S COUNTER-</b>
SNS BANK N.V., and	:	<b>DESIGNATION OF ADDITIONAL</b>
SNS GLOBAL CUSTODY B.V.,	:	<b>ITEMS TO BE INCLUDED IN THE</b>
Defendants.	:	<b>RECORD ON APPEAL</b>
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Pursuant to Rule 8009 of the Federal Rules of Bankruptcy Procedure and Rule 8009-1 of the Local Bankruptcy Rules for the Southern District of New York, SNS Bank N.V. and SNS Global Custody B.V. (collectively, “SNS”) respectfully submit this counter-designation of items to be included in the record on appeal of the Final Judgment [ECF No. 96] in the Adversary Proceeding.<sup>1</sup> SNS may rely on some or all of the items designated for the record on appeal by the Trustee. In addition to those items designated by the Trustee in the Trustee’s designation, the following additional items from the Adversary Proceeding and the main docket, *Sec. Investor Prot. Corp. v. Bernard L. Madoff Inv. Sec. LLC (In re BLMIS)*, Adv. Pro. No. 08-01789 (SMB) (Bankr. S.D.N.Y.), are designated to be included in the record on appeal:

Designation No.	Date	ECF No. (12-01046)	ECF No. (08-1789)	Docket Text
1	4/4/2017	101	15598	Certification of Direct Appeal to Court of Appeals (related document(s) <a href="#">97</a> ) filed by Catherine Elizabeth Woltering on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC. (Woltering, Catherine) (Entered: 04/04/2017)
2	4/8/2016	--	13069	Letter on Behalf of the Subsequent Transferee Defendants in Response to Mr. Sheehans Letter dated April 7, 2016 (related document(s) <a href="#">13051</a> ) Filed by Franklin B. Velie on behalf of Bank Austria Worldwide Fund Management Ltd.. (Velie, Franklin) (Entered: 04/08/2016)
3	6/27/2015	78	10356 <sup>2</sup>	Statement /Trustee's Proffered Allegations Pertaining to the Extraterritoriality Issue as to the SNS Defendants (related document(s) <a href="#">76</a> )

<sup>1</sup> Capitalized terms used but not defined herein shall have the meanings given to them in the *Trustee’s Statement of Issues to be Presented and Designation of Items to be Included in the Record on Appeal* [Adv. Pro No. 12-01046, ECF No. 99] (the “Trustee’s Designation”).

<sup>2</sup> ECF No. 10356 was included in the Trustee’s designation but inadvertently referred to as ECF No. 11531. SNS includes the document here to ensure that the record on appeal is accurate.

				filed by David J. Sheehan on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC. (Sheehan, David) (Entered: 06/27/2015)
4	4/13/2012	12	--	Affidavit of Service of Summons and Complaint Upon Defendant SNS Global Custody B.V. (related document(s)1, 3) filed by David J. Sheehan on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC. (Sheehan, David) (Entered: 04/13/2012)
5	4/13/2012	11	--	Affidavit of Service of Summons and Complaint Upon Defendant SNS Bank N.V. (related document(s)1, 3) filed by David J. Sheehan on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC. (Sheehan, David) (Entered: 04/13/2012)

Each item designated above shall also include any and all exhibits and documents annexed to or referenced within such item.

SNS reserves the rights to: (i) supplement, amend, or modify the designation of additional items for the record on appeal, (ii) move to strike items designated by any party as necessary or appropriate, (iii) defend the propriety of items set forth in this additional designation, and (iv) present a counterstatement of issues on appeal in its appellate brief(s) (including any brief joined by SNS or otherwise applicable to the Adversary Proceeding) pursuant to Federal Rule of Bankruptcy Procedure 8014(b)(2).

Dated: April 11, 2017

/s/ George W. Shuster, Jr.

Andrea J. Robinson

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